

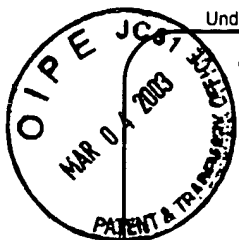
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PTO/SB/21 (01-03)

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/765,916
		Filing Date	January 18, 2001
		First Named Inventor	Frederic CANUT et al.
		Group Art Unit	2122
		Examiner Name	Not Yet Assigned
Total Number Of Pages In This Submission	7	Attorney Docket No.	260/087

## ENCLOSURES (check all that apply)

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form        | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance Communication to Group   |
| <input type="checkbox"/> Fee Attached                | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences   |
| <input type="checkbox"/> Amendment / Reply           | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  |
| <input type="checkbox"/> After Final                 | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declarations     | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request   | <input type="checkbox"/> Terminal Disclaimer  | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Form PTO-1449a, Form PTO-1449b, 6 references, Postcard receipt |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund   |   |
|  | <input type="checkbox"/> CD, Number of CD(s) _____                                      |   |

- ☒ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

Remarks

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## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Erin C. Ming Bingham McCutchen LLP Three Embarcadero Center, Suite 1800 San Francisco, CA 94111-4067
Signature	
Date	2-28-03

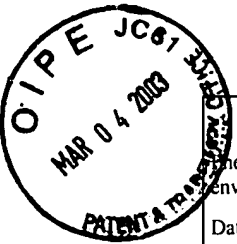
## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: FEB 28, 2003.

Mary R. Zimmerman

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 C.F.R. 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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Dated:

Feb 28, 2003

Mary R. Zimmerman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Frederic CANUT et al.

Serial No.: 09/765,916

Filing Date: January 18, 2001

For: SYSTEM AND METHOD FOR  
SOFTWARE CODE OPTIMIZATION

Examiner: Not Yet Assigned

Group Art Unit: 2122

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Technology Center 2100

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached forms PTO-1449a and PTO-1449b are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. The Examiner is requested to make these documents of record.

**I. Timing of the Information Disclosure Statement:**

This Information Disclosure Statement is filed:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
- ☒ Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information

Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

This Information Disclosure Statement is filed:

- ☐ After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and the Commissioner is hereby authorized to charge Deposit Account No. [ ] for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

This Information Disclosure Statement is filed:

- ☐ After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

The undersigned certifies that:

- ☐ Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

## II. Copies of the Cited Items:

- ☒ Copies of all of the items listed on the attached Form PTO-1449 are enclosed.
- ☐ Copies of only the following items listed on the attached Form PTO-1449 are enclosed: \_\_\_\_\_.
- ☐ Copies of the items listed in the attached Forms PTO-1449a and b are not supplied because they were previously cited by or submitted to the Patent Office in a prior Application No. \_\_\_\_\_ filed \_\_\_\_\_ and relied upon in this application for an earlier filing date under 35 U.S.C § 120. See 37 C.F.R. § 1.98(d).

- ☐ Copies of those items which are marked with an asterisk (\*\*) in the attached Form PTO-1499 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

**III. Concise Explanation of Relevance:**

- ☒ A concise explanation of relevance of the items listed on Form PTO-1449 is not given.
- ☐ A concise explanation of relevance of [some of] the items listed on Form PTO-1449 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

**IV. Related Applications:**

- ☐ Applicants bring to the Office's attention the following related, co-pending application(s):

**V. Conclusion:**


Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks. The Commissioner is hereby authorized to charge Deposit Account No. 50-2518, billing reference number: 19535-7104 for any additional fees required in connection with the filing of this Information Disclosure Statement.

Respectfully submitted,

Dated: 2-28-03

By:   
Erin C. Ming  
Registration No. 47,797

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